

SHER TREMONTE LLP

November 27, 2024

BY ECF

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Cuomo v. Office of the New York State Attorney General*, No. 22-mc-03044 (LDH) (TAM)

Dear Judge DeArcy Hall:

We write on behalf of former Governor Andrew Cuomo to request that the Court strike the objections filed by the OAG at ECF No. 90 with leave to re-file—or, in the alternative, that the Court grant leave for Governor Cuomo to re-file his own objections (originally filed at ECF No. 89) with a 25-page limit.

Yesterday, both parties filed objections to Judge Merkl’s order docketed at ECF No. 85 concerning the OAG’s motion to quash and Governor Cuomo’s cross-motion to compel a subpoena concerning witness interview memos and unredacted transcripts containing prior witness statements (the “Order”). The Court’s Individual Practices provide unambiguously at Practice IV(A) that “[a]ny appeal of a Magistrate Judge’s discovery determination must be in the form of a letter not exceeding three (3) pages in length.” Governor Cuomo abided by this rule and filed his objections in the form of a three-page letter. *See* ECF No. 89. The OAG, on the contrary, did not: it filed a 25-page brief. *See* ECF No. 90.

To ensure parity and compliance with the Court’s Individual Practices, we respectfully request that the Court strike the OAG’s non-compliant objections with leave to re-file its objections in the form of a three-page letter. In the alternative, we request that the Court grant Governor Cuomo leave to re-file his objections to the Order in the form of a 25-page brief two weeks from the Court’s grant of such leave.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma